

MAY 21 2010

JOHN F. CORCORAN, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ANTHONY CHARLES MCGAHA,

Petitioner,

v.

R. C. MATHENA, WARDEN,

Respondent.

)
)
) Case No. 7:10CV00209
)
)

) FINAL ORDER
)
)

) By: Glen E. Conrad
) United States District Judge
)
)

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petitioner's motion, which the court construed and filed as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice for failure to exhaust state court remedies, and this action is stricken from the active docket of the court. Because the defendant has not made the requisite showing of denial of a substantial right related to this ruling, a certificate of appealability, pursuant to 28 U.S.C. § 2253(c), is **DENIED**.

ENTER: This 21st day of May, 2010.

/s/ Glen E. Conrad
United States District Judge